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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jeremy Pinson,

10 Plaintiff,

11 v.

12 United States of America,

13 Defendant.
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No. CV-20-00070-TUC-RM

ORDER

15 Pending before the Court is Plaintiff Jeremy Pinson's Motion for Rule 11
16 Sanctions. (Doc. 118.) Defendant United States of America responded in opposition.
17 (Doc. 121.) For the following reasons, the Motion for Sanctions will be denied.

18 **I. Background**

19 Defendant filed a Motion for Summary Judgment on January 14, 2022. (Doc. 99.)
20 The Court ordered Plaintiff to respond on or before February 18, 2022. (Doc. 103.) On
21 February 3, 2022, Plaintiff filed a motion seeking to stay the summary judgment briefing
22 (Doc. 108), and on March 4, 2022, she filed a motion seeking an extension of her
23 deadline to respond to the Motion for Summary Judgment (Doc. 112). In the Motion for
24 Extension of Time, Plaintiff argued, in relevant part, that an extension of her response
25 deadline was justified because she was pending a transfer that would imminently separate
26 her from her files in this case. (Doc. 112.) In response to the Motion for Extension of
27 Time, Defendant stated that, as of March 17, 2022, Plaintiff was neither pending re-
28 designation nor re-designated. (Doc. 115 at 3.) Defendant supported this averment with

1 a declaration by Federal Bureau of Prisons (“BOP”) Legal Assistant Lorri Mitchell and a
2 copy of Plaintiff’s SENTRY record as of March 17, 2022, showing that Plaintiff at that
3 time was designated to USP II—Coleman, Florida. (Doc. 115-1 at 2-7.)

4 The Court denied the Motion to Stay and partially granted the Motion for
5 Extension of Time. (Doc. 117.) The Court extended Plaintiff’s response deadline to May
6 13, 2022 but denied without prejudice her request to extend the response deadline until
7 after her transfer. (*Id.* at 5.) The Court granted Plaintiff leave to re-file a motion seeking
8 an extension of the response deadline if she was transferred to another institution and the
9 transfer interfered with her ability to file her response. (*Id.*) Plaintiff filed her Response
10 in opposition to Defendant’s Motion for Summary Judgment on February 28, 2022.
11 (Doc. 119.)

12 On February 25, 2022, Plaintiff filed the pending Motion for Rule 11 Sanctions,
13 arguing that defense counsel misled the Court regarding Plaintiff’s pending transfer.
14 (Doc. 118.) On May 16, 2022, Plaintiff filed a Notice of Change of Address indicating
15 she was located at the Federal Transfer Center and was en route to the United States
16 Penitentiary (“USP”)—Tucson. (Doc. 124.) On June 13, 2022, Plaintiff filed a Notice of
17 Change of Address indicating she had been transferred to USP—Tucson as of June 3,
18 2022. (Doc. 125.)

19 **II. Legal Standard**

20 By filing a written motion or other paper, “an attorney or unrepresented party
21 certifies,” in relevant part, “that to the best of the person’s knowledge, information, and
22 belief, formed after an inquiry reasonable under the circumstances” that the “factual
23 contentions” contained in the filing “have evidentiary support” and that “the denials of
24 factual contentions are warranted on the evidence or, if specifically so identified, are
25 reasonably based on belief or a lack of information.” Fed. R. Civ. P. 11(b)(3)-(4). The
26 Court may, after notice and a reasonable opportunity to respond, impose an appropriate
27 sanction on an attorney, law firm, or party that violates Rule 11(b) or is responsible for
28 the violation. Fed. R. Civ. P. 11(c)(1).

1 **III. Discussion**

2 Plaintiff argues that her transfer was made pursuant to an agreement in District of
3 Arizona case number 13-cv-2059, and that defense counsel misled the Court in the
4 representations she made in Defendant’s Response to Plaintiff’s Motion for Extension of
5 Time. (Doc. 118.)

6 Defendant avers that the statements made in response to Plaintiff’s Motion for
7 Extension of Time were accurate based on then-available information. (Doc. 121.)
8 Specifically, Defendant avers that a review of the docket in *Pinson v. Federal Bureau of*
9 *Prisons*, CV 4:13-cv-02059-BGM, does not support Plaintiff’s contention that the parties
10 in that case agreed to a transfer as part of settlement negotiations. (Doc. 121 at 2.)
11 Defendant further avers that inmate designation and re-designation decisions are made by
12 the Bureau’s Designation and Sentence Computation Center (“DSCC”), that DSCC staff
13 update an inmate’s SENTRY record when a decision to re-designate has been made, and
14 that as of March 17, 2022, Plaintiff’s SENTRY record did not indicate she was pending
15 re-designation or re-designated. (Doc. 2-3.) Defendant attaches a minute entry from case
16 number CV 4:13-cv-02059-BGM, as well as a declaration by BOP Paralegal Specialist
17 Jennifer Vickers, who reviewed Plaintiff’s SENTRY records and found that Plaintiff was
18 designated to USP-Tucson on April 12, 2022. (Doc. 121-2 at 2; Doc. 121-3 at 2-3.)

19 Plaintiff’s SENTRY record as of March 17, 2022, and the declarations of Lorri
20 Mitchell and Jennifer Vickers, show that Plaintiff was designated to USP—Tucson *after*
21 Defendant had already filed its Response to Plaintiff’s Motion for Extension of Time.
22 (Doc. 115-1 at 2-7; Doc. 121-3 at 2-3.) The docket in *Pinson v. Federal Bureau of*
23 *Prisons*, CV 4:13-cv-02059-BGM, indicates that the parties attended a settlement
24 conference on January 31, 2022 but did not settle, with the parties planning to request a
25 stay of further proceedings in order to continue their negotiations. (Doc. 164 in CV 4:13-
26 cv-02059-BGM.) The docket further indicates that, on April 14, 2022, the parties held a
27 scheduling conference before Magistrate Judge Bruce G. Macdonald, discussing possible
28 trial dates and other pretrial matters. (Doc. 176 in CV 4:13-cv-02059-BGM.) The docket


1 does not indicate that the parties in that case reached any agreement concerning
2 Plaintiff's transfer; if the parties had discussions concerning any such agreement, those
3 discussions are not apparent from a review of the docket.

4 Defense counsel's review of Plaintiff's then-current SENTRY records and the
5 docket in case number CV 4:13-cv-02059-BGM satisfies the reasonable inquiry standard
6 of Federal Rule of Civil Procedure 11. Plaintiff has not shown that the statements that
7 Defendant made in its Response to Plaintiff's Motion for Extension of Time were false or
8 misleading based on the information that was available to defense counsel at the time the
9 Response was filed. Accordingly, Plaintiff's Motion for Sanctions will be denied.

10 **IT IS ORDERED** that Plaintiff's Motion for Sanctions (Doc. 118) is **denied**.

11 Dated this 24th day of June, 2022.

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Honorable Rosemary Márquez
United States District Judge